IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.305 OF 2006

IN

SUMMARY SUIT NO.1310 OF 2004

M/s.Seasonal Packaging Pvt. Ltd. ... Plaintiff

vs.

Mr.Yogesh Mordani. ... Defendant.

Mr.Q.M.Ashfaq, for Plaintiff.

Mr.J.P.Shah i/b. J.P.S.Legal, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 26th September,2006

P.C.:-

1. Heard the learned Counsel for both the sides. Defendant is willing to deposit the suit claim if he is given time to deposit the same. According to the defendant, the rate of interest claimed in the plaint is excessive and therefore, the defendant should be granted leave to defend the suit. In this view of the matter therefore, the summons for judgment is disposed of. The

defendant is granted leave to defend the suit subject to the condition that within a period of 12 weeks from today the defendant shall deposit in this Court an amount of Rs.1,34,074/-. Written statement to be filed within a period of eight weeks from the date of deposit.

2. In case the defendant does not deposit the amount within the aforesaid period the suit shall stand decreed in terms of prayer clause of the suit.

3. On deposit being made, the amount be invested in fixed deposit in a nationalised bank.

The summons for judgment is disposed of.